

18. W. Bullock – Ogletree Letter

Ogletree Deakins

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November 9, 2018

Mr. Alvan Robinson
Investigator – U.S. EEOC
Suite 700, 434 Fayetteville Street
Raleigh, NC 27601-1701

RE: Charging Party: Justin J. White
EEOC Charge No.: 433-2018-03289
Respondent: Vance County Sheriff's Office

Dear Mr. Robinson:

We represent the Vance County Sheriff's Office ("Vance County") in the referenced matter. Please accept this letter as Vance County's confidential response to the allegations raised by Charging Party Justin White ("Charging Party" or "White"). The information and materials provided herein are confidential and should not be disclosed by your office.¹

Introduction

Vance County is an equal opportunity employer and prohibits discrimination. A copy of the relevant pages from Vance County's Personnel Policy Manual are attached as Exhibit 1. White was aware of these policies. A copy of his signed acknowledgment of receipt of the Vance County Personnel Manual is attached as Exhibit 2.

White alleges that during his employment with Vance County, he was discriminated against based on his race, gender, and in retaliation for engaging in protected activity. He also alleges that this discrimination occurred in the following areas: (1) Discipline; (2) Corrective Action; (3) Treatment; (4) Disrespect; (5) Issuance of Safety Equipment; (6) Subordinate Status; and (7) Retaliation.

All of White's claims are without merit and should be dismissed. White provides no factual allegations in support of his claims. White does not provide details as to how he was allegedly treated differently than similarly situated individuals outside of his protected class, nor does White

¹ The information herein is not everything Vance County knows about Mr. White. This response is intended to succinctly address the concerns expressed in the Charge of Discrimination and to expose the falsity of Mr. White's claim.

provide details regarding his retaliation allegation. The lack of specificity in White's charge make it impossible for Vance County to respond fully to all of these allegations.

In actuality, Vance County disciplined White for repeated rule violations and ultimately terminated White for using excessive force against a female. White received safety equipment consistent with Vance County's normal practices, and at no point did Vance County retaliate against White for engaging in any sort of protected activity or discriminate against him in any fashion. Accordingly, White's claims should be dismissed.

Background

Vance County Sheriff's Office provides individual and property protection to the citizens of Vance County. The Sheriff's Office is comprised of the following divisions: (1) Administrative Division; (2) Patrol Division; (3) Narcotics/Vice Division; (4) Criminal Investigations Unit; (5) K-9 Division; (6) Court Division; and (7) Civil Division.

The Patrol Division serves 45,000 residents covering approximately 269 miles and is organized into four squads: A, B, C, and D which collectively provide 24-hour coverage for Vance County seven days a week. Officers assigned to A and B squad work together and officers assigned C and D squad work together. A/B rotates with C/D every four days, therefore each officer in the Patrol Division works for four days and then has four days off. Each squad consist of 2 or 3 Deputies and a Sergeant. Lieutenant Goolsby and Lieutenant Campbell supervise the Patrol Division.

The issues in this matter arise primarily from Charging Party's continued practice of pulling over Vance County citizens for minor traffic violations and subsequently issuing criminal summonses despite this being outside of his job responsibilities.

Vance County hired White on June 5, 2017 as a Deputy in A squad. His primary job responsibilities were to check on businesses, serve arrest warrants, answer 911 calls, and focus on public safety. Upon hire, White completed the first two weeks of field training with Lieutenant Campbell and then finished his field training with Deputy Wayne. During field training, Campbell noticed that White was overly concerned with traffic violations, despite this not being the primary job function of a Sheriff's Deputy. During training, Lt. Campbell emphasized to White several times that minor traffic stops were not the primary focus of the job position. Deputy Wayne also noted during field training that White was very interested in traffic and reiterated to him that Deputies were not supposed to stop cars and perform traffic unless absolutely necessary.

After White completed field training, he was not issued a citation book. This was not uncommon for Deputies in the department. In fact, several other new Deputies were not issued citation books. Vance County did not issue citation books to newer Deputies because their main focus was to respond to 911 calls and to serve warrants and other legal papers.

Even though White did not have a traffic book, he started pulling over Vance County citizens for minor traffic violations. White did not have the power to write traffic citations, so he would either call another officer for backup to write the citation for him, or he would pull over the citizen, let

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Sincerely,



Andrew C. Avram

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Enclosures

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